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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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DAVID GLENN MAYS,

Movant,

*versus*

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 1:16-CV-230

**MEMORANDUM ORDER ADOPTING THE  
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner, David Glenn Mays, represented by counsel, filed this motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 based on the recent Supreme Court opinion of *Johnson v. United States*, 135 S.Ct. 2551 (2015).

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the motion to vacate, set aside, or correct sentence be granted and movant be re-sentenced.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed to date.

## ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED at Beaumont, Texas, this 12th day of October, 2016.

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE